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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation

RAJYA SABHA

The following Bills were introduced in the Rajya Sabha on the 12th March, 1993:—

I

BILL NO. LXV OF 1992

A Bill to Provide for certain welfare measures to be undertaken by the State and the employer of working children and for their rehabilitation through education, training and specialisation in some trade or vocation and for matters connected therewith.

BE it enacted by Parliament in the Forty-third Year of the Republic of India as follows:—

Short title, extent and commencement.

1. (*1*) This Act may be called the Working Children (Welfare and Rehabilitation) Act, 1992.

(*2*) It shall extends to the whole of India.

(*3*) It shall come into force with immediate effect.

Definitions.

2. In this Act, unless the context otherwise requires,—

(*a*) "accident" includes an accident which occurs in the course of an employment of a child or the occupational disease which is contracted by a working child within or outside the working hours;

(*b*) "child" means a person who is under the age of fifteen years;

(c) "competent authority" means any authority authorised by the Government, by notification in the Official Gazette, to perform all or any of the functions of the competent authority under this Act and for such areas as may be specified therein;

(d) "contractor" means a person who, in relation to a manufacturing process, undertakes to produce a given result by executing the work through contract child labour or who engages child labour for any manufacturing process in a private dwelling house, shop, factory or such establishment and includes a sub-contractor, agent, *munshi, thekedar or sattadar* or the like, by whatever name called;

(e) "employer" means,—

(i) in relation to an establishment the person who or the authority which has the ultimate control over the affairs of the establishment and where the said affairs are entrusted to any other person whether called a manager, managing director, managing agent or by any other name, such person;

(ii) in relation to a dwelling house the head or Karta of such family; and

(iii) in relation to shop, stall or kiosk the owner of such shop, stall or kiosk doing business therein;

(f) "establishment" means,—

(i) a factory;

(ii) a mine;

(iii) a plantation;

(iv) a shop, stall, kiosk, *dhaba*, tea stall, hotel or restaurant;

(v) an establishment where children are employed for the exhibition of equitation, acrobatic and other performances;

(vi) any place or premises including the precincts thereof or any part in which any manufacturing process connected with the making of goods is being or is ordinarily carried on with the help of child labour;

(g) "fund" means the Working Children Benefit and Rehabilitation Fund established under Section 8;

(h) "Government" means the Central Government;

(i) "Inspector" means an Inspector appointed under Section 12;

(j) "wages" shall have the same meaning as assigned to them in the Payment of Wages Act, 1936. 4 of 1936.

Compulsory education of working children

3. It shall be the duty of every contractor and employer to send every working child employed by him to a school for getting education as per his calibre during such time, as may be prescribed.

4. (1) The Government shall open schools and Technical education institutions for free education of working children at appropriate places in the country.

Government to open Schools and Training Institutes for working children

(2) The working children attending the school and Technical Education Institutions referred to in sub-section (1) shall be provided with books, writing materials, dress and other relevant articles free of cost by the Government.

5. Every employer of a working child shall, at his cost, insure the working child against accident.

Insurance against accident of working children.

6. Notwithstanding anything contained in any other law for the time being in force, the Government shall fix the working hours for the working children in any establishment or other place, their other conditions of service and minimum wages to be paid to them by the employers.

Government to fix working hours, conditions of service and minimum wages.

7. Any employer or any establishment or contractor violating the provisions contained in section 3 or section 5 shall be liable for imprisonment which may extend to six months or with fine which may extend to five thousand rupees or with both.

Punishment for non-compliance.

8. With effect from such date as the Government may by notification in the Official Gazette, appoint, in this behalf, there shall be established a Working Children Benefit and Rehabilitation Fund, moneys into which shall be given by the Government after due appropriation made by Parliament, from time to time, and the said fund shall be managed by a Board of Trustees appointed under Section 9.

Establishment of Working Children Benefit and Rehabilitation Fund.

9. The Board of Trustees shall have one Chairman, who shall be nominated by the Government, and as many other members as are required in the opinion of the Government to manage the fund but at least one half of the members shall be elected from the representatives of organisations devoted to safeguarding the interests of working children in the country.

Board of Trustees.

10. The fund shall be spent on the upbringing of the working children through their free education at convenient time of the working child and vocational training in some trade or technical apprenticeship through a time bound scheme framed by a competent authority.

Application of fund.

Regional Committees.

11. The provisions of Section 10 shall be carried out under the guidance and supervision of the Board of Trustees who shall constitute regional committees for the effective implementation of the said provisions.

Appointment of Inspectors etc.

12. The Government shall appoint as many inspectors, welfare officers and such other officer and staff as it considers necessary for carrying out the purposes of this Act.

Overriding effects of the Act.

13. The provisions of this Act shall have effect notwithstanding anything contrary contained in any other law for the time being in force.

Power to make rules.

14. The Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

STATEMENT OF OBJECTS AND REASONS

Working children constitute a considerable work force in our country despite various laws prohibiting their employment. The Constitution of India also prohibits employment of children in hazardous occupations. Despite all this, millions of children are working in Carpet factories, Beedi factories, Bangles industry, Circus, Hotels, Tea Stalls, *Dhabas*, Workshops of Motor Vehicles and Cycles in the agricultural fields and as domestic workers either for their own subsistence or to support their poor families. They work under pathetic and unhygenic conditions. Though they are talented they remain illiterate because they cannot attend schools. In some cases they work as bonded labour. They are paid meagre wages and in some cases only two time meals and clothes. In case of accident or dangerous disease affecting them they are left to fend for themselves. They are left to their fate not only by their employers but also by their parents due to their sheer poverty. Child labour is such a shameful and depressing phenomenon that nobody views it analytically. In the same process we overlook the skill, productivity and ingenuity so consistently displayed by the major part of our child population but instead of encouraging them they are forced to work under pathetic conditions.

It is true that children must enjoy their childhood, they must get nutritious diet, good education and good atmosphere to grow as responsible citizens of the country but at the same time we have to accept the reality. Now the time has come to accept the bare truth that we cannot abolish child labour by laws which will certainly enlarge the statute book but certainly cannot discourage child employment. So instead of wasting our energy in futile activities of abolition of child labour we must see that it should be made mandatory for the employer of a working child to send him to school at convenient time preferably in the evenings to enable the child to get proper education. The child also must be insured against accidents and diseases. They must get minimum wages and other benefits prescribed by Government. On the other hand the Government should open schools and training institutes for working children. It is proposed for the establishment of a Benefit and Rehabilitation Fund for the benefit of working children which may help the working children to lead a better life and they are settled for a respectable living and avail good working conditions.

Hence this Bill.

S. S. AHLUWALIA

FINANCIAL MEMORANDUM

Clause 4 of the Bill provides that Government shall open Schools and Training Institutions for working children. Clause 8 provides for the establishment of a Fund. Clause 9 provides for the constitution of Board of Trustees. Clause 12 provides for appointment of Inspectors etc. The Bill, if enacted, would involve a recurring expenditure from the Consolidated Fund of India to the extent of about rupees ten crores per annum.

A non-recurring expenditure of about rupees two crores is also likely to be incurred from the Consolidated Fund of India.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 14 of the Bill empowers the Central Government to make rules for carrying out the purposes of this Bill. As the matter will relate to details only, the delegation of legislative power is of normal character.

II

BILL No. LXXI OF 1992

A Bill to provide for certain welfare measures to be undertaken by the State for handloom weavers on the country and for matters connected therewith.

BE it enacted by Parliament in the forty-third Year of the Republic of India as follows:—

Short title, extent and commencement.

1. (*1*) This Act may be called the Handloom Weavers (Welfare) Act, 1992.

(*2*) It extends to the whole of India.

(*3*) It shall come into force at once.

Definitions.

2. In this Act, unless the context otherwise requires,—

(*a*) "appropriate Government" means in the case of a State, the State Government and in other cases the Central Government;

(*b*) "Authority" means Handloom Weavers Welfare Authority established under section 3;

(c) "handloom" means any loom other than powerloom as defined in clause (g) of section 2 of the Factories Act, 1948; 63 of 1948.

(*d*) "prescribed" means prescribed by rules made under this Act;

(*e*) "weaver" means a person engaged in the production of cloth on handloom and includes a person who owns, works or operates on a handloom for the production of cloth;

(*f*) "worker" means a handloom worker, whether male or female, who earns wages on daily or any other basis by working on a handloom.

Establishment of Handloom Weavers' Welfare Authority.

3. (*1*) **The appropriate Government shall,** as soon as may be, by **notification in the Official Gazette, establish a Handloom Weavers Welfare Authority for the areas within its jurisdiction.**

(*2*) **Every Authority established under sub-section** (*1*) **shall have such set up and such powers as the appropriate Government may, from time to time, determine.**

Functions of Authority.

4. Every Authority shall,—

(*a*) maintain records of handlooms existing in all the villages, districts and other places falling within its jurisdiction;

(*b*) maintain a district-wise register of handloom weavers and handloom workers with such particulars and in such manner as may be prescribed;

(*c*) regulate the service conditions of workers in such manner as may be prescribed;

(*d*) fix minimum wages for workers from time to time;

(*e*) encourage and provide all necessary assistance to handloom weavers' co-operatives and for their democratic functioning;

(*f*) make suitable arrangements for purchase of handloom cloth by the Textile Development Corporation or other Governmental agencies at cost price and on a cash and carry basis;

(*g*) The Authority shall perform such other functions as may be assigned to it by the appropriate Government from time to time.

Establishment of Handloom Weavers' Welfare Fund.

5. With effect from such date as the appropriate Government may, by notification in the Official Gazette appoint in this behalf, there shall be established a Handloom Weavers Welfare Fund, moneys into which shall be given by the appropriate Governments after due appropriation made by Parliament and Legislature of the State, as the case may be, from time to time, and the said fund shall be managed by a Board of Trustees appointed under section 6.

Board of Trustees.

6. The Board of Trustees shall have one Chairman, who shall be nominated by the appropriate Government and as many other members as are required, in the opinion of the appropriate Government, to manage the fund but at least one half of the members shall be elected from the representatives of organisations devoted to safeguarding the interests of handloom weavers in the country.

Application of Fund.

7. The welfare fund shall be spent on,—

(*a*) providing interest free consumption loans to handloom weavers from time to time;

(*b*) making *ex-gratia* payments at the prescribed rates to each of the bereaved families of handloom weavers who die prematurely;

(*c*) providing loans at nominal interest for purchasing cotton yarn and other necessary raw materials;

(*d*) insuring all the handlooms and handloom weavers;

(*e*) such other welfare measures as may be prescribed.

Central Government to ensure regular supply of yarn.

8. It shall be the duty of the Central Government to assure the regular supply of yarn to the handloom weavers at subsidised rates throughout the country.

Government departments to purchase their cloth requirements from primary handloom weavers co-operatives or handloom weavers.

9. The appropriate Government and all its departments shall purchase their entire cloth requirement for dusters, curtains, table cloth and such other things exclusively from the primary handloom weavers and not from the mills and powerloom sector.

Ban on export of Cotton and Cotton yarn.

10. Notwithstanding anything contained in any other law, for the time being in force, the export of Cotton and Cotton Yarn is hereby banned.

Appointment of Inspectors etc.

11. The appropriate Government shall appoint as many Inspectors, Welfare Officers and such other Officers and staff as it considers necessary for carrying out the purposes of this Act.

Saving of other Laws.

12. The provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force regulating any of the matters dealt with in this Act.

Power to remove difficulties.

13. If any difficulty arises in giving effect to the provisions of this Act, the appropriate Government may make such orders to give such direction, not inconsistent with the provisions of this Act, as appears to it to be necessary or expedient for the removal of any difficulty experienced in the working of this Act.

Power to make Rules.

14. The Central Government may, by notification in the Official Gazette, make rules for giving effect to the provisions of this Act.

STATEMENT OF OBJECTS AND REASONS

There are lakhs of handloom units in the country wherein millions of weavers work to earn their livelihood. These units are mainly concentrated in Andhra Pradesh, Tamil Nadu, Uttar Pradesh, Bihar, Madhya Pradesh but in fact handloom units are located in every part of the country. For handloom weavers it is their family profession and it is undertaken by generation after generation and the entire family is involved in it. Apart from the handloom weavers who produce cloth on handloom there are lakhs of people engaged in ancilliary processes such as dying, bleaching, mercerising, calendering, embroidering, printing etc. For all these people handloom is the only source of livelihood.

However, the handloom sector is at the verge of extinction. There are various reasons for it. The foremost is non availability of cotton yarn at reasonable prices. The prices of cotton yarn have gone up so menacingly that it has become impossible for ordinary weavers to purchase cotton yarn from the market which has led to the closure of their units. The main reasons for the price spurt in cotton yarn is the export of cotton and cotton yarn. Other reasons include non purchase of handloom products by Government departments resulting in their exploitation by private traders, non availability of loans at minimum interest resulting in their exploitation by money lenders, absence of any welfare fund for the handloom weavers and the absence of any statutory authority to watch their interest.

Similarly the setback being faced by handloom sector is due to the invasion of powerloom sector and cloth mills whose lobby is so strong that the handloom sector cannot match it in any field. This lobby is responsible for the non implementation of the Handlooms (Reservation or Articles for production) Act, 1985 because they have obtained an injunction from the court and so far Government has not been able to get it vacated from the court. Thus the very purpose of enacting the Act has been defeated and the handloom sector is likely to vanish in the near future if no remedial action is taken in this regard.

As a result of frustration the Handloom Weavers are committing suicides in many parts of the country. Andhra Pradesh is very much ahead in this regard. Reports of many starvation deaths of handloom weavers have come to light. Thus remedial action is urgently required. It is, therefore, proposed in this Bill to appoint Handloom Welfare Authority, establish a Welfare fun for them and make it compulsory for Government departments to purchase only handloom cloth, maintain regular supply of Cotton Yarn at reasonable prices and put a ban on the export of Cotton and Cotton Yarn. These steps, if implemented, may improve the lot of handloom weavers to some extent and give some desired relief to them which may ultimately save them from starvation and committing suicides.

Hence this Bill.

S. S. AHLUWALLIA.

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the establishment of Handloom weavers Welfare Authority. Clause 5 provides for the establishment of Handloom Weavers Welfare Fund. Clause 6 provides for Board of Trustees. Clause 11 provides for the appointment of Inspectors. The Bill, if enacted, will involve expenditure from the consolidated fund of India. It is estimated that it may likely to involve recurring expenditure to the tune of two hundred crores rupees per annum.

A non recurring expenditure of rupees fifty crores is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 14 of the Bill gives power to the Central Government to make rules for giving effect to the provisions of this Bill which will deal with matters of details only.

As such the delegation of legislative power is of normal character.

III

BILL No. VI OF 1993

A Bill to provide for the regulation of the prices of essential articles of daily consumption of citizens and to prevent profiteering in such articles by the dealers of such commodities and for matters connected therewith.

BE it enacted by Parliament in the Forty-fourth Year of the Republic of India as follows:—

Short title, extent and commencement.

1. (*1*) This Act may be called the Profiteering Prevention and Control of Prices Act, 1993.

(*2*) It extends to the whole of India.

(*3*) It shall come into force at once.

Definition.

2. In this Act, unless the context otherwise requires "essential articles" include all kinds of foodgrains, products derived from foodgrains, pulses spices, domestic fuel including kerosene, edible oils, vanaspati, soap, selected and popular varieties of cotton, woollen and silken cloth, sugar, baby food, shoes, paper and paper products, drugs and medicines and such other articles of daily consumption as may be notified from time to time by the Central Government in the Official Gazette.

Fixation of maximum prices of essential articles.

3. (1) The Central Government shall by order, notified in the Official Gazette, from time to time, fix the maximum prices of essential articles which may be charged by a dealer of such articles from the consumers:

Provided that different rates may be prescribed for the wholesale dealers and retail dealers of essential articles.

(2) The maximum prices to be fixed under sub-section (1) may be different in different parts of the country for different articles.

Compulsory exhibition of fixed price and details of stocks at the premises.

4. Every dealer of essential articles shall exhibit at a conspicuous place at his shop or business premises, the fixed price of every essential article and the details of stocks of such article held by him, in the prescribed form.

Issue of receipt for every article.

5. Every dealer shall issue a receipt in the prescribed form for every article sold by him and the purchaser of such article may ask for a proper receipt from the dealer in case the receipt is not issued by him to the consumer.

Penalty.

6. Any dealer who asks for or charges more than the fixed price of or refuses to sell the essential articles or contravenes any of the provisions of this Act shall be punished with imprisonment which may extend to five years or with a fine which shall not be less than ten thousand rupees or with both.

Offence to be cognizable.

7. Notwithstanding anything contained in any other law for the time being in force, an offence punishable under this Act shall be a cognizable offence.

Police to take immediate action on complaint.

8. On receipt of a complaint, whether verbal or written, against a person or dealer for an offence punishable under this Act, the Station House Officer of the local Police of the area concerned shall register a complaint in the prescribed form and take immediate action to investigate the matter and arrest such person or dealer.

Order under the essential Commodities Act, 1955 to take effect.

9. An order issued by a competent authority under the Essential Commodities Act, 1955 shall have its effect notwithstanding the provisions of this Act or the rules made thereunder.

Power to make rules.

10. The Central Government may, by notification in the Official Gazette make rules for carrying out the purposes of this Act.

STAEMENT OF OBJECTS AND REOSONS

Today inflation has gripped every walk of life of everyone be it rich, poor, businessman, Government or private sector employee, labourer, or housewife, throughout the country. But the worst hit are the poor class people belonging particularly to the economically weaker sections of the society and the housewives of middle and poor classes. The prices of almost everything are skyrocketing. The steep rise in the prices of essential commodities and articles of daily consumption have made them beyond the reach of commonman. As a result crores of people are forced to live on one meal a day or no meal at all for days together. In some parts of the country starvation deaths have also been reported and price rise is the main reason for such deaths. Similarly housewives of middle and poor classes are also worst hit by the unabated price rise which disturbs their monthly budgets. The inflow of money in the household remains the same whereas the prices of articles of daily use are rising everyday. The situation has reached to a point of no return and is causing untold misery to the citizens in the country. It is a strange phenomenon in our country that prices of foodgrains, vegetables and fruits continue to rise even when there is no shortfall in their production. In fact some unscrupulous businessmen, middlemen, brockers and hoarders have monopolised the trade in essential articles and they decide their prices to suit their own interests. This has resulted in price rise even if there is no scarcity of essential articles. In such circumstances, Government must step in to control the prices of essential articles of daily consumption and must take drastic action against the profiteering and black marketeers. It is also necessary that prices of essential articles be regulated by Government by an adequate law. This Bill proposes to provide fixing the prices of essential articles of daily use by Government throughout the country to give much desired relief to the commonman.

Hence this Bill.

S. S. AHLUWALIA

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 10 of the Bill gives power to the Central Government to make rules for carrying out the purposes of this Bill which will relate to matters of details only. The delegation of legislation power, therefore, is of normal character.

IV

BILL NO. IX OF 1993

A Bill to provide for the promotion of secularism in the country by giving freedom to profess and practice any religion, prohibiting the State from interfering in religious matters, prohibiting official religious functions and for protecting secularism by banning the communal political parties and organisations and providing deterrent punishment for demolition and desecration of religious places in the country and for matters connected therewith.

BE it enacted by Parliament in the Forty-fourth Year of the Republic of India as follows :—

Short title, extent and commencement.

1. (*1*) This Act may be called the promotion and Protection of Secularism Act, 1993.

(*2*) It extend to the whole of India.

(*3*) It shall come into force at once.

Definitions.

2. In this Act unless the context otherwise requires,—

(a) "religion" means the particular system of faith and worship which a person follows or professes;

(b) "secularism" means treating of all religions at part and non-discrimination by the State among its citizens on the basis of religion;

(c) "State" includes the Union Government, Parliament of India and the Government and the Legislature of each of the State and Union Territories and all the local authorities or Public Sector Undertakings within the territory of India or under the control of the Government of India or the Government of a State;

(d) words and expressions used but not defined in this Act and defined in the Indian Penal Code, 1860 and the Representation of the People Act, 1951 shall have the meanings respectively assigned to them in those Acts. 45 of 1860. 43 of 1951.

State not to be a party in religious matters.

3. (*1*) The State shall not be a party to and shall not interfere with the religion of any of its citizens, who shall have the freedom of conscience, and to profess, practise and propagate any religion, faith or form of worship.

(*2*) The State shall promote and protect the ideals of secularism in the country.

State to protect places of worship.

4. The State shall protect all ancient and other authorised places of worship from being damaged or demolished in any manner whatsoever:

Provided that in case of a dispute between two or more religious communities over any place of worship the State shall refer the issue to the concerned High Court or Supreme Court, as the case may be, for adjudication whose decision in the matter shall be final and binding on the concerned parties.

State not to permit official religious functions.

5. The State shall not permit any kind of religious worship, rite, ritual, ceremony or use of any religious symbol at any State functions or an official occasion or in any public premises.

State not to allow religious procession.

6. The State shall not allow any kind of religious procession to be taken out in any part of the country notwithstanding any religious tradition or festival, prevalent in any of the religions or communities.

State not to give coverage to religious celebrations through official media.

7. The State shall not telecast or broadcast through television network or radio, as the case may be, wholly or partly controlled by the State, anything about any religious celebrations.

State not to incur expenditure on visits by public functionaries and public servants to religious places or shrines.

8. The State shall not incur any expenditure on the visits of Ministers, or other public functionaries or public servants to religious shrines or places of pilgrimage except in the course of public duty.

9. *Notwithstanding anything contained in any other law for the time being in force*, all political parties based on religion or whose main election plank is based on arousing religious sentiments or sectional appeal are hereby banned and all such political parties notwithstanding having elected representatives in Parliament or State Legislatures shall and derecognised from the date of coming into force of this Act. Banning and derecognition of communal political parties.

45 of 1860.

10. Notwithstanding anything contained in the Indian Penal Code, 1860, any person who, without the authority of doing so, demolishes any place of worship shall be punished with death. Penalty for demolition of religious place.

11. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force. Act to have overriding effect.

12. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act. Power to make rules.

STATEMENT OF OBJECTS AND REASONS

The people of this great country have solemnly resolved and given to themselves a sovereign, socialist, secular, democratic republic through the preamble of the Constitution of India which came into force on the 26th January, 1950 to guide the destiny of our nation. The founding fathers of our Constitution who were eminent celebrities, after a marathon debate had chosen the path of secularism despite the fact that majority of the people in the country were Hindus at that time. The path of secularism opted by our country raised its status in the fraternity of democracies in the world and India emerged as the biggest secular democracy in the world.

However of late, some communal fundamentalist political parties and organisitions have started such activities which may kill the secular image of the country which in turn may ultimately kill the democracy itself in this country. The demolition of controversial Babri Masjid in Ayodhya on the 6th of December, 1992 is the first step in this direction which saw the worst kind of communal frenzy in the country killing and wounding thousands of innocent citizens. The helpless women were gangraped in full public view and limbs of children were chopped off in the most barbaric manner. The communal violence in the country demonstrated the worst kind of inhuman actions for which no words are strong enough to denounce them. The actions showed the extent to which religious passions can lead the masses. The country was on the verge of a civil war which was, however, avoided due to the timely actions of the Government and saner elements working in the society.

The aftermath of Ayodhya incidents has made secularism more important for our country. If we have to progress in the present competitive era, save the country from certain doom through a civil war between different religious communities, preserve our heritage of tolerance and brotherhood we have to promote secularism by all means. For this, the State has to wash its hands off from all religious matters. It has to protect all religious places. It should not permit official religious functions, not allow religious processions, not give coverage to religious celebrations and ban and derecognise all communal political parties in the country. The State has to convey the message throughout the country that secularism is the only way for our survival otherwise disintegration of this great nation is certain.

This Bill seeks to achieve the above objects.

SURESH PACHOURI

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 11 of the Bill gives power to the Central Government to make rules for carrying out the purposes of the Bill. The rules will relate to matters of details only.

The delegation of legislative power is of normal character.

V

Bill No. III of 1993

A Bill to provide for the removal of all types of restrictions on the movement of foodgrains throughout the country to enable the farmers to sell their agricultural produce in any part of the country and get remunerative prices for such produce and for matters connected therewith.

BE it enacted by Parliament in the Forty-fourth Year of the Republic of India as follows:—

Short title, extent and commencement.

1. (*1*) This Act may be called the Removal of Restriction on the Movement of Foodgrains Act, 1993.

(*2*) It extends to the whole of India.

(*3*) It shall come into force at once.

Definitions.

2. In this Act unless the context otherwise requires,—

(a) "foodgrains" include wheat, rice, paddy, maize, millet, *Jawar*, bajra, pulses and oilseeds of all kinds;

(b) "Government" includes both the Central and State Governments.

Removal of restrictions on the movement of food-grains.

3. Notwithstanding anything contained in any other law for the time-being in force, there shall be no restriction whatsoever on the movement of foodgrains from one place to another and from one State to another State.

Freedom to the farmers to sell his produce.

4. Notwithstanding anything contained in any other law for the time-being in force or rules or regulations made thereunder any farmer may sell his agricultural produce in any part of the country at any price and no levy shall be imposed by the Government in regard to his produce.

STATEMENT OF OBJECTS AND REASONS

Agriculture is the backbone of our economy. Farmers who grow food for the entire population and keep the industrial sector active hold an important position in the country. However, the farmer is exploited at all levels. At the village level he is exploited by moneylenders, zamindars, village level Government servants like the *Patwari, Tehsildar* etc. and by social customs. Then he is exploited by unscruplous traders who purchase his agricultural produce at throwaway prices. A vicious circle of traders forces the farmer to sell his produce at the price offered by the traders because no trader will give him more than that price. Then to add insult to injury Governments, both the Union and State, who are supposed to protect the interests of the helpless farmers and in fact openly declare to do so, do not lag behind in exploiting the farmers. Of course, the Union Government declares support price for the agricultural produce but generally these are not remunerative. The farmer is compelled to sell his produce to the Government agencies by imposing certain unwarranted restrictions. For example most State Governments impose levels which are compulsory in which the farmer must sell a part of his produce to the Governmental agencies at the prescribed rates. The State Governments do not stop here. They impose a ban on the movement of foodgrains from one place to another and from the State to other parts of the country. As such the farmer is actually bonded to sell his produce at throwaway prices.

In the country there is no restriction on the movement of citizens to any part of the country, no restriction on the movement of industrial products but it is very strange that all kinds of restrictions have been imposed on the movement of foodgrains with the sole aim to force the farmer to sell his produce at loss. This is fully exploited by traders and Governmental agencies. The traders after purchasing the produce from the farmer at cheap rates smuggle the produce to other parts of the country at premiums. Even in the Government agencies the farmer has to grease the palms of the officials to sell his produce otherwise the same is bound to be rejected on one pretext or the other such as moisture content or mixture of various brands or the produce is not fully ripe and so on. The poor farmer cannot sell his produce anywhere in the country.

If restrictions on the movement of foodgrains from one State to the other and from one place to other are completely removed the farmer will get more remunerative prices for his produce. He will not depend on the local tader and Governmental agency. It will stop the smuggling of agricultural produce in the country and corruption may be eliminated to some extent. The farmers life style will certainly improve which will ultimately boost our agricultural production.

The Bill seeks to achieve the above objectives.

SURESH PACHOURI

VI

BILL NO. XI OF 1993

A Bill to provide for the banning of smoking, spitting and littering in public places used or visited by general public in order to prevent fire, maintain cleanliness and healthy environment in such public places and for matters connected therewith.

BE it enacted by Parliament in the Forty-fourth Year of the Republic of India as follows:—

Short title, extent and commencement.

1. (*1*) This Act may be called the Prohibition of Smoking and Littering in Public Places Act, 1993.

(*2*) It extends to the Union Territories only.

(*3*) It shall come into force at once.

Definitions.

2. In this Act, unless the context otherwise requires,—

(*a*) "Government" means the Central Government;

(*b*) "cigarette" includes cigars, beedi or any other like product used for smoking;

(*c*) "litter" means anything that is likely to cause or contribute to the defacement or defilement of the place where it is left;

(*d*) "public place" means any place to which the public, at the material time, has, or is entitled or permitted to have, access with or without payment and includes a Railway Station, Airport, Bus Terminal, Cinema Hall, Hospital, Bank Premises, Court Premises, Race Course, Circus, Theatre, Music Hall, Gymnasium, Swimming Pool, Dancing Hall etc.

Prohibition of smoking in public place.

3. Smoking in public place is hereby prohibited.

Prohibition of spitting in public place.

4. No person shall spit in public place except at a litter dump maintained at such public place by the Government.

Prohibition of leaving litter in public place.

5. No person shall throw or deposit litter in, into or from an open public place in the area of any public place and leave the litter there.

Penalty for smoking in public place.

6. Any person who contravenes the provisions of section 3 commits an offence and is liable,—

(*i*) in the case of a first offence, to a fine of five hundred rupees; and

(*ii*) in the case of second or subsequent offence, to a fine of five thousand rupees.

Penalty for spiting in public place.

7. Any person who contravenes the provisions of section 4 shall be liable to a fine of one thousand rupees.

Penalty for leaving littler in public place.

8. (*1*) Any person who contravenes the provisions of section 5 shall be liable,—

(*i*) in the case of a first offence, to a fine which may extend to one thousand rupees; and

(*ii*) in the case of second or subsequent offence, to a fine which may extend to five thousand rupees.

(2) The provisions of sub-section (*1*) shall not apply if the litter is left,—

(*a*) in a litter receptacle that has been provided by or with the permission of the Government; and

(*b*) at a litter dump that is maintained by the Government.

(3) In sentencing a person convicted of an offence under section 5, the Court shall take into consideration, not only the purpose of this Act but also the nature of the litter and risk of disease or injury resulting to persons or animals or of damage to property.

Power to make rules.

9. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

STATEMENT OF OBJECTS AND REASONS

Everybody knows that smoking is injurious to health and is the root cause of several diseases including cancer particularly in our country. Despite this fact people smoke in various ways throughout the world. Smoking not only pollutes the atmosphere but a smoker also compells the non smokers to inhale the deadly smoke emitted by him and cause him to suffer without fault. Now-a-days we find that people smoke in public places openly which is the cause of fire incidents at these places. It has been noticed that burning cigarette or beedi buts are carelessly thrown by the smokers which results in devastating fires at these sensitive and important places thereby causing avoidable losses to the nation.

Similarly it is a common sight at most of the public places where people spit here and there particularly after chewing *Paan* mixed with tobacco and other intoxicating materials which not only deface the place but also pollutes the area which gives odour and ugly look.

Similarly, people also leave to throw litter wherever they like, be it a public place, office, home, street or school and defile them in most casual manner without caring for the health hazard it may cause to the general public. Though the authorities maintain litter receptacles at these places people hardly use them to deposit litter.

Now the time has come to impose a total ban on smoking, spitting and littering at public places to save these places from fire, defacement and defilement so that a healthy atmosphere prevails at these places. If today we succeed in imposing the ban at public places tomorrow the people themselves may realise the gravity of the situation and they may give up these bad habits which will certainly improve their health and the sorroundings.

Hence this Bill.

SURESH PACHOURI

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 9 of the Bill gives power to the Central Government to make rules for carrying out the purposes of the Bill. The rules will relate to the matters of details only.

The delegaion of legislative power is of normal character.

VII

BILL NO. X OF 1993

A Bill further to amend the Constitution of India

BE it enacted by Parliament in the Forty-fourth Year of the Republic of India as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Constitution (Amendment) Act, 1993.

(*2*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Amendment of article 356.

2. In article 356 of the Constitution, after clause (*1*) the following clause shall be inserted, namely:—

"(*1A*) The Legislative Assembly of a State Legislature shall not be dissolved under clause (*1*) unless the Proclamation has been approved by resolutions of both Houses of Parliament under clause (*3*).

STATEMENT OF OBJECTS AND REASONS

Article 356 of the Constitution provides for the dismissal of a State Government as well as dissolution of the State Assembly by a Proclamation of the President. The provision of the dissolution of the State Assembly may be misused by the Central Government in order to fulfil its political ends. Therefore, it is sought to be provided that even if the President's rule is imposed, the elected Assembly should not be dissolved unless the Parliament gives its approval to such proclamation. In case Parliament does not approve the President's Proclamation, the Assembly once dissolved cannot be revived.

Hence this Bill.

VISHWASRAO RAMRAO PATIL.

VIII

BILL No. 1 OF 1993

A Bill further to amend the Indian Penal Code.

BE it enacted by Parliament in the Forty-fourth Year of the Republic of India as follows:—

Short title, and commencement.

1. (*1*) This Act may be called the Indian Penal Code (Amendment) Act, 1993.

(*2*) It shall come into force with immediate effect.

Amendment of section 108A of Act 45 of 1860.

2. In section 108A of the Indian Penal Code, in the *Illustration* for the word "Goa" occurring at two places the word "Nepal" shall be substituted.

STATEMENT OF OBJECTS AND REASONS

Goa is an integral part of India. The Indian Penal Code was enacted during the British period. Now Goa is one of the States of India. Hence this amendment is necessary.

VISHWASRAO RAMRAO PATIL

IX

BILL No. XII OF 1993

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Forty-fourth Year of the Republic of India as follows:—

Short title, and commencement.

1. (*1*) This Act may be called the Constitution (Amendment) Act, 1993.

(2) It shall come into force at once.

Amendment of article 102.

2. In article 102 of the Constitution in clause (*1*) after sub-clause (c) the following sub-clause shall be inserted, namely:—

"(f) If he violates the oath or affirmation made and subscribed by him under article 99."

STATEMENT OF OBJECTS AND REASONS

Every Member of Parliament makes an oath or affirmation before taking his seat in either House of Parliament. Under that oath or affirmation the Member pledges to uphold the Constitution of India. It is a travesty that inside the House a Member of Parliament takes an oath to preserve the Constitution and outside he betrays the Constitution of India itself. A situation has come when the Constitution should be amended to provide that if any Member of Parliament violates the oath anywhere outside the Parliament by words or actions, he shall stand disqualified from the membership of the House.

Hence this Bill.

VISHWASRAO RAMRAO PATIL

SUDARSHAN AGARWAL
Secretary-General.

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